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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,965	04/26/1999	??	54570USA3A	3907

7590 07/16/2002
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EXAMINER

GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 07/16/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-10

Office Action Summary

Application No.

09/29996

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 10 APR 12 2002

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above claim(s) 15 and 22-26 is/are withdrawn from consideration.

☒ Claim(s) 1-3, 5-14 and 16-21 is/are allowed.

☒ Claim(s) X is/are rejected.

☒ Claim(s) X is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☒ Other REFERENCE TRANSLATION

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1. A translation of the Japanese Ohno reference is included as a part of this action for the sake of the completeness of the applicants' file, with what are felt to be the most pertinent sections thereof ~~as~~ indicated in red therein. Further along this line, applicants' submission of a (a) translation of this reference; and (b) Supplemental IDS was unnecessary and/or redundant, in that (a) this reference was already cited by the Examiner in the last Office action; (b) it was indicated in paragraph 3 of the last Office action that the Examiner was having this reference translated; and (c) for any future reference, the Examiner uses ONLY translations provided by the PTO Translation Branch for references that he cites and/or applies.

2. Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Note that a dependent claim must refer back to a preceding claim and not to a succeeding claim.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-14 and 16-21 are rejected under 35

U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ohno et al. This rejection is adhered to essentially for the reasons of record (see paragraph 3 of the last Office action), with the following being additionally advanced: (a) These claims as presented are held to recite, define and require ONLY the curable fastening surface, with the "wherein" clause requiring ONLY that this surface be "CAPABLE OF" interacting with a complementary (but unrecited) fastening surface i.e. this latter surface is (thus) seen to form no part of the claimed subject matter, not being specifically and definitely recited therein; and (b) note that the mechanical fastener of Ohno (1) is capable of being tentatively attached to (viz. repeatedly attached to and separated from) the surface to which it is applied (N.B. page 3 lines 7-8 of the reference translation); and (2) cures to form a permanent attachment to the aforementioned surface. (N.B. page 3 lines 10-13 of the reference translation).

5. In spite of the foregoing rejection, the Examiner feels that there is patentable subject matter present in this application at this point in the prosecution, and therefore

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claims 15 and 22-26 (as well as the SUBJECT MATTER of claim 4) are indicated as being allowable, with the (a) caveat that yet another updated search may uncover art more pertinent than that already applied; and (b) proviso that the matters as set forth in paragraph 2, above, are satisfactorily resolved. Further along this line, the Examiner feels that the art rejection set forth in paragraph 4, above, would and could be overcome by incorporating the limitations of claim 15 into claim 1.

6. Applicants' arguments filed 10 April 2002 have been fully considered but they are not deemed to be persuasive. See paragraph 4, above.

7. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE

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PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) ⁸⁷²⁻⁹³¹¹ ~~305-3599~~.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

JJG
JJGallagher:cdc

July 5, 2002


JOHN J. GALLAGHER
PRIMARY EXAMINER
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